

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH B. GIBBS,

Plaintiff,

v.

A. HERRERA, et al.,

Defendants.

No. 2:21-cv-2188 TLN AC P

FINDINGS AND RECOMMENDATIONS

By order issued June 10, 2022, plaintiff was directed to pay the filing fee in full and to do so within thirty days. ECF No. 16 at 2. This was the second time that plaintiff had been ordered to pay the fee in its entirety prior to proceeding any further in this case. See ECF No. 14 (order finding plaintiff financially able filing fee and directing him to do so); ECF No. 16 (second order directing plaintiff to pay filing fee). Each time, plaintiff was cautioned that his failure to pay the fee would result in a recommendation that that this action be dismissed. See ECF No. 14 at 2; ECF No. 15 at 2.

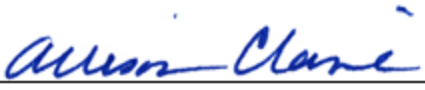
More than thirty days have passed, and plaintiff has not paid the filing fee, nor has he responded to the court's order in any way. For these reasons, the undersigned will recommend that this action be dismissed without prejudice for failure to pay the filing fee. See 28 U.S.C. § 1914(a), (c).

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1 Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without
2 prejudice for failure to pay the filing fee. See 28 U.S.C. § 1914(a), (c).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings
7 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
8 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
9 (9th Cir. 1991).

10 DATED: July 26, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE